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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,353	09/23/2005	Maarten Peter Bodlaender	NL 030276	1278
24737 7590 08/31/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
ANDRAMUNO, FRANKLIN S				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
08/31/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,353

**Applicant(s)**

BODLANENDER ET AL.

**Examiner**

FRANKLIN S. ANDRAMUNO

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/09/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2, 6-8, and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6-8, and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Appeal brief, filed 05/04/09, with respect to using a server to upload, add and remove audiovisual media have been fully considered and are persuasive. The final office action of 10/28/08 has been withdrawn. This case will reopen after appeal.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuckman et al (US 2004/0111750 A1) in view of Wilks (US 2002/0129693). Hereinafter referred as Stuckman and Wilks.

Regarding claims 1 and 10, Stuckman discloses a method for storing new content items **(present a list of video programs that can be downloaded (24) in figure 2)** in a memory unit of a user device capable of rendering said content items **(determine if low memory condition exists or will exist based on the download schedule (74) in figure 2)**, the memory unit containing old content items **(page 5**

**paragraph (0064) lines 1-9)**, the method comprising the steps of: marking any old content items which may be deleted (**page 5 paragraph (0063)**); generating a first list of new content items to be stored (**provide a recommended viewing order of the video programs in the set (120) in figure 3**) said first list being compiled by a user (**page 3 paragraph (0035) lines 1-5**); determining a storage space required for each new content item to be stored (**memory alert (76) in figure 1**), and deleting a marked content item only when necessary to release storage space for storing a new content item (**create a download schedule based on the selected programs and the download parameters (42) in figure 2**), so as to fill the memory unit substantially to capacity (**page 5 paragraph (0061)**).

However, **Stuckman is silent in teaching** uploading said first list to a server for selecting the new contents items to be downloaded to the user device. Wilks discloses on (**page 4 paragraph (0050)**) in order to order new songs, the user may establish a connection with the remote multimedia server (RS). Also notice on (**figure 6**) Wilks shows on step (500) the system establishes connection with server.

Therefore, it would have been obvious at the time of the invention to include the use of a server for the interaction between a user and a library of music. This is a useful combination because a plurality of users has access to a remote server. This system saves space in each of the client's computers.

Regarding claim 2, Stuckman and Wilks discloses the method according to claim 1, Stuckman teaches only as many marked content items are deleted as is necessary to store one new content item **(page 5 paragraph (0064))**

Regarding claim 6, Stuckman and Wilks discloses the method according to claim 1, Stuckman teaches the marked old content items are comprised in a second list (9), which second list is preferably stored in the user device (1) **(page 5 paragraph (0061))**.

Regarding claim 7, Stuckman and Wilks discloses the method according to claim 1, Stuckman teaches each content item (5) comprises a piece of music and/or a video clip **(present a list of video programs that can be downloaded (24) in figure 2)**.

Regarding claim 8, Stuckman and Wilks disclose the method according to claim 1, Stuckman teaches a software program executable on a processor for carrying out the method according to claim 1 **(page 3 paragraph (0035) lines 5-10)**.

Regarding claim 11, Stuckman and Wilks discloses at least one user device as claimed in claim 10, Stuckman teaches a system (100) for transferring content items, the system comprising a server (2) for storing content items **(page 3 paragraph (0034))**, at least one user device claimed in claim 10 **(page 3 paragraph (0035))**, and transfer means (3) for transferring content items from the server to the user device **(page 3 paragraph (0039))**.

Regarding claim 12, Stuckman and Wilks disclose the system according to claim 11, Stuckman discloses the transfer means comprises the Internet **(page 8 paragraph (0095))**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
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